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10/057,462

01/25/2002

Roger E. Story

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7590

07/30/2004

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EXAMINER

BOAKYE, ALEXANDER O

ART UNIT

PAPER NUMBER

2667

2

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/057,462

**Applicant(s)**

STORY, ROGER E.

**Examiner**

ALEXANDER BOAKYE

**Art Unit**

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-19 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6-15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fredette et al. (US Patent # 6,697,361).

Regarding claim 1, Fredette discloses a system for determining connection information for a first port and a second port in a network, the first port including a first set of terminations and the second port including a second set of terminations (column 7, lines 54-65 ;the claimed first set of terminations read on input MID as indicated in Fig. 5 while the second set of terminations correspond to output MID ; input port 1 corresponds to the claimed first port in a network while input port 5 reads on the second port of Fig. 5 ), comprising: determining information about the first and second set of terminations( column 8, lines 19-23); comparing the information about the first set of terminations with the information about the second set of terminations ( column 7 lines 28-35 ); and determining whether the first port is connected to the second port based on the comparison (column 7, lines 19-35).

Regarding claim 2, Fredette discloses that the determining information about the first and second set of terminations comprises determining for the first and second set of terminations at least one of path label information (column 5, lines 1-2).

Regarding claim 6, Fredette discloses a system for determining connection information for a first port and a second port in a network, the first port including a first set of terminations and the second port including a second set of terminations( Fig. 5), comprising: a memory including a program that determines information about the first and second set of terminations (column 12, lines 7-17; column 8, lines 19-23), compares the information about the first set of terminations with the information about the second set of terminations (column 7, lines 28-35), and determines whether the first port is connected to the second port based on the comparison (column 7, lines 19-35); and a processor that runs the program (column 12, lines 18-26).

Regarding claim 7, Fredette discloses that the network comprises a connection-oriented network (column 4, lines 51-52; ATM network is a connection oriented network).

Regarding claim 8, Fredette discloses that the network the network comprises a connectionless network (the claimed connectionless network corresponds to router as indicated in Fig. 1 since router is a connectionless network ).

Regarding claim 9, Fredette discloses that the network comprises an asynchronous transport mode (ATM) network (column 4, lines 51-52).

Regarding claim 10, Fredette discloses that the network comprises a multi-protocol label switching (MPLS) network (column 4, lines 32-34).

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Regarding claim 11, Fredette discloses that the network comprises an Internet protocol (IP) network (column 5, lines 32-34).

Regarding claim 12, Fredette disclose that the first port is included on a first network element and a second port is included on a second network element (column 4, lines 44-45).

Regarding claim 13, Fredette discloses that the first and the second network elements comprise a switch (column 4, lines 51-53).

Regarding claim 14, Fredette discloses that the first and the second network elements comprise a router (column 4, lines 44-45).

Regarding claim 15, Fredette disclose that the information about the first and second set of terminations comprises path label information (column 5, lines 1-2).

Regarding claim 19, Fredette discloses a computer-readable medium containing instructions for causing a computer to perform a method for determining connection information for a first port and a second port in a network, the first port including a first set of terminations and second port including a second set of terminations (column 7, lines 54-65), the method comprising: determining information about the first and second set of terminations (column 8, lines 19-23); comparing the information about the first set of terminations with the information about the second set of terminations (column 7, lines 28-35); and determining whether the first port is connected to the second port based on the comparison( column 7, lines 19-35).Regarding claim 20, Fredette discloses that determining information about the first and the second set of terminations

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comprises determining for the first and second set of terminations at least one of path label information (column 5, lines 1-5).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredette et al. (US Patent # 6,697,361) in view of Hansen et al. (US Patent # 6,442,144).

Regarding claim 4, Fredette teaches a method for determining connection information for a first port and a second port in a network (input port 1 of Fig. 5 corresponds to the claimed first port while input port 5 reads on the claimed second port). Fredette differs from the claimed invention in that Fredette does not teach retrieving the information from an information source. However, Hansen discloses retrieving the information from an information source (column 3, line 67-column 4, lines 1-4). One of ordinary skill in the art would have been motivated to incorporate information source into the communication network of Fredette in order to find out authentication information of a message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate retrieving information from an information source such as the one taught by Hansen into the

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communication network of Fredette with the motivation being that it provides capability for the system to filter out unwanted information.

Regarding claim 5, Fredette teaches a method for determining connection information for a first port and a second port in a network (input port 1 of Fig. 5 corresponds to the claimed first port while input port 5 reads on the claimed second port). Fredette differs from the claimed invention in that Fredette does not teach retrieving the information from an element management system (EMS). However, Hansen discloses retrieving the information from an element management system (column 3, line 67-column 4, lines 1-2 ; column 3, lines 47-48; the claimed EMS corresponds to management information base). One of ordinary skill in the art would have been motivated to incorporate element management system (EMS) into the communication network of Fredette in order to find out authentication information of a message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate retrieving information from an information source such as the one taught by Hansen into the communication network of Fredette with the motivation being that it provides capability for the system to filter out unwanted information.

Regarding claim 16, Fredette discloses a system for determining connection information for a first port and a second port (column 7, lines 54-65). Fredette differs from the claimed invention in that Fredette does not teach that the information about the first and second set of terminations is retrieved from an information source. However, Fredette teaches that the information about the first and second set of terminations is

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retrieved from an information source (column 3, line 67-column 4, lines 1-4). One of ordinary skill in the art would have been motivated to incorporate retrieving information from an information source into the communication network of Fredette in order to find out the authentication information of the message. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate retrieving information from an information source such as the one taught by Hansen into the communication network of Fredette with the motivation being that it provides capability for the system to filter out unwanted information.

Regarding claim claims 17 and 18, Fredette discloses a system for determining connection information for the first port and the second port (column 7, lines 54-65). Fredette differs from the claimed invention in that Fredette does not teach that the information source comprises a management information base. However, Hansen discloses that information source comprises a management information base (column 3, lines 60-66). One of ordinary skill in the art would have been motivated to incorporate management information base into the information source of Fredette in order to provide database for the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate management information base such as the one taught by Hansen into the communication network of Fredette with the motivation being that it provides capability for the system to filter out unwanted information.

***Allowable Subject Matter***



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3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (703) 308-9554. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye

Patent Examiner

7/19/04

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 7/23/04